

**CALENDAR ITEM
C14**

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10/01/02
PRC 5598.9
B. Dugal

**TERMINATION OF RECREATIONAL PIER LEASE
AND ISSUANCE OF A NEW RECREATIONAL PIER LEASE**

LESSEE

Robert L. Coleman

APPLICANT:

Robert L. Coleman, Trustee of the 1990 Robert Lewis Coleman Trust, under Declaration of Trust dated March 16, 1990

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Lake Tahoe, located near Sunnyside, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier and boat port previously authorized by the Commission and the retention of two existing mooring buoys.

LEASE TERM:

Ten years, beginning October 1, 2002.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than \$300,000.

Other:

The proposed lease is conditioned on the Applicant obtaining authorization from the Tahoe Regional Planning Agency (TRPA) for the mooring buoys within two years after the adoption of the Lake Tahoe Shorezone Amendments-Draft Environmental Impact Statement (EIS) and approval of the ordinances based on the EIS.

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OTHER PERTINENT INFORMATION:

1. On January 29, 1999, the Commission approved the issuance of a Recreational Pier Lease to Robert L. Coleman for the existing pier and boat port. That lease will expire on November 26, 2008. The Applicant has now submitted an application for the retention of two existing moorings buoys.
2. Applicant qualifies for a Recreational Pier Lease because the Applicant is a natural person who has improved the littoral lands with, and uses the uplands for, a single-family dwelling.
3. **Termination of an Existing Lease** - Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

4. **Existing Pier and Boat Port** - Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

5. **Mooring Buoys** - Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(3).

Authority: Public Resources Code section 21084 and Title 14, California

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Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

FURTHER APPROVALS REQUIRED:

Buoys - Tahoe Regional Planning Agency

EXHIBIT:

- A. Site/Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF AN EXISTING LEASE - FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

PIER AND BOAT PORT - FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

MOORING BUOYS - FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW

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CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA
CODE OF REGULATIONS, SECTION 2905 (c)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE
CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE
LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO.
PRC 5598.9, ISSUED TO ROBERT L. COLEMAN AND APPROVED BY
THE COMMISSION ON JANUARY 28, 1999.

AUTHORIZE THE ISSUANCE TO ROBERT L. COLEMAN, TRUSTEE OF
THE 1990 ROBERT LEWIS COLEMAN TRUST, UNDER DECLARATION
OF TRUST DATED MARCH 16, 1990, OF A TEN-YEAR
RECREATIONAL PIER LEASE, BEGINNING OCTOBER 1, 2002, FOR
THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER
AND BOAT PORT AND THE RETENTION OF TWO EXISTING
MOORING BUOYS ON THE LAND SHOWN ON EXHIBIT A ATTACHED
AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY
CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE
SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO
LESS THAN \$300,000.